

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2017 MAR 14 PM 2:40

CLERK  
S.D. DIST. OF GA.

PATRICE SHELLMAN,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social  
Security,

Defendant.

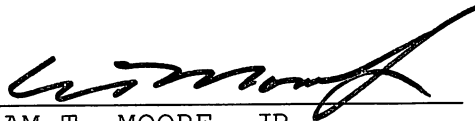
CASE NO. CV415-119

O R D E R

Before the Court is Plaintiff's Motion for Attorney's Fees under the Equal Access to Justice Act. (Doc. 27.) In the motion, Plaintiff requests \$5,249.37 in attorney fees. (Id. ¶ 3.) In its response, the Government states that the parties have agreed that the Government "shall pay Plaintiff \$4,390.00 in full satisfaction of Plaintiff's application." (Doc. 28 at 1.) The Court has carefully considered the motion and finds that Plaintiff meets the requirements for such an award pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). See Jean v. Nelson, 863 F.2d 759, 765 (11th Cir. 1988) (holding that to recover attorney's fees "(1) the litigant opposing the United States must be a prevailing party; (2) the government's position must not have been substantially

justified; and (3) there must be no circumstances that make an award against the government unjust"). Accordingly, Plaintiff is **AWARDED** the agreed upon amount of \$4,390.00 in attorneys' fees. Upon the entry of this order, the Commissioner will determine whether Plaintiff owes a debt to the Government that qualifies under the Treasury Offset Program, 31 U.S.C. §§ 3711, 3716. If Plaintiff owes such a debt, the fee award will be applied towards that debt with any remaining funds remitted to Plaintiff by a check delivered to Plaintiff's counsel. If Plaintiff does not owe such a debt, the Government will accept the assignment of EAJA fees, and remit the fees and costs directly to Plaintiff's attorney.

SO ORDERED this 14<sup>th</sup> day of March 2017.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA